

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

HOLLY NEWMAN,

Plaintiff,

vs.

DIRECT ENERGY, LP,

Defendant.

§
§
§
§
§
§
§
§
§
§

Case No. 4:23-cv-01388

NOTICE OF RELATED LITIGATION

Pursuant to Local Rule 5.2, Direct Energy, LP notifies the Court that this case is related to *Burk v. Direct Energy, LP*, Case No. 4:19-cv-00663. As described in the attached order granting transfer from the District of Maryland, Judge Hanks presided over a virtually identical TCPA putative class action in *Burk* for years. *See Newman v. Direct Energy, L.P.*, Case No. SAG-21-02446, 2023 WL 2914788, at *1 (D. Md. Apr. 12, 2023), attached as Exhibit 1. This case is not just related to *Burk* but it is so intertwined that the same plaintiffs' counsel filed it mere days after Judge Hanks denied certification of the same (but geographically) larger class. *See id.* at *1 & n.1.

Faced with similar circumstances, Judge Barbara Lynn of the Northern District of Texas issued a *sua sponte* order reassigning a transferred-in case to her colleague Judge Ed Kinkeade, who had presided over the original case with virtually identical allegations that was the basis for transfer. *Harris v. Progressive Ins., Inc.*, No. 3:13-CV-3983-K (Docs. 32, 39) (N.D. Tex. Oct. 24, 2013), attached as Exhibits 2-3.

Dated: April 17, 2023

Respectfully submitted,

By: /s/Michael D. Matthews, Jr.

Michael D. Matthews, Jr.

William B. Thomas

Diane S. Wizig

James M. Chambers

David L. Villarreal

MCDOWELL HETHERINGTON LLP

1001 Fannin Street, Suite 2700

Houston, Texas 77002

T: (713) 337-5580

F: (713) 337-8850

matt.matthews@mhllp.com

william.thomas@mhllp.com

diane.wizig@mhllp.com

james.chambers@mhllp.com

david.villarreal@mhllp.com

**ATTORNEYS FOR DEFENDANT DIRECT
ENERGY, LP**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on the 17th day of April, 2023 via CM/ECF on all counsel of record.

/s/Michael D. Matthews, Jr.

Michael D. Matthews, Jr.